

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STAMAR RICHARD MILLER,
Plaintiff,

v.

TERRANCE BROADDUS, *et al.*,
Defendants.

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CIVIL ACTION NO. 22-CV-2738

ORDER

AND NOW, this 25th day of August, 2023, upon consideration of Plaintiff Stamar Richard Miller's *pro se* Amended Complaint (ECF No. 16), it is **ORDERED** that:

1. All claims asserted on behalf of Plaintiff Daljitpal Singh are **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court is **DIRECTED** to list as the spelling of Defendant Terrance Broaddus's name and Defendant Chester Mayor Thaddeus Kirkland's name on the docket as spelled in this paragraph. The Clerk of Court is also **DIRECTED** to add Corporal Young as a Defendant.
3. For the reasons stated in the Court's Memorandum, the following claims and Defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii):
 - a. All claims seeking release from custody or to combine this action with Miller's state court criminal proceeding;
 - b. All claims against Defendants President Donald J. Trump, former Vice President Mike Pence, and Pennsylvania Governor Tom Wolf; and
 - c. Any claim based on kidnapping.

4. The Clerk of Court is **DIRECTED** to terminate President Donald J. Trump, former Vice President Mike Pence, and Pennsylvania Governor Tom Wolf as Defendants.

5. For the reasons stated in the Court's Memorandum, the following claims and Defendants are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii):

- a. The official capacity claims against all remaining Defendants; and
- b. The individual capacity claims against Defendants Chester Mayor Thaddeus Kirkland, Chester Police Commissioner Gretskey, and Chester Police Major Blackwell, and the Fourth Amendment search and seizure claim against James Y. Simpkins and Corporal Young.

6. The Court is prepared currently to serve the following claims:

- a. The individual capacity claims against Defendants Officer T. Broaddus, Officer B. Boerger II, and Chester Officer John Doe for violating Miller's constitutional rights during the investigative stop, search, and arrest based on a possession of drug paraphernalia;
- b. The individual capacity claim against Defendant Boerger based on deliberate indifference to Miller's medical needs and the "state created danger" claim; and
- c. The individual capacity excessive force claim against Simpkins and Young.

7. The Clerk of Court is **DIRECTED** to send Miller a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

8. Miller is given thirty (30) days to file a second amended complaint in the event he can allege additional facts with regard to the claims dismissed without prejudice that are listed in Paragraph 5 of this Order. Any second amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Miller's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 22-2738. If Miller files a second amended complaint, it **must** be a complete document that includes all of the bases for Miller's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. **Claims that are not included in the second amended complaint will not be considered part of this case.** Miller may not reassert any claim listed in Paragraph 3 of this Order that has already been dismissed with prejudice. When drafting his second amended complaint, Miller should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

9. If Miller does not file a second amended complaint the Court will direct service of his Amended Complaint on Defendants listed in Paragraph 6 of this Order **only**. Miller may also notify the Court that he seeks to proceed on these claims rather than file an amended

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

complaint. If he files such a notice, Miller is reminded to include the case number for this case, 22-2738.

10. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ John Milton Younge

JOHN MILTON YOUNGE, J.